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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,509	10/21/2005	Kumar Venkateswara Vedantam	102790-197 (30086 US)	1348

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EXAMINER	
ASDJODI, MOHAMMAD REZA	
ART UNIT	**PAPER NUMBER**
1796	

MAIL DATE	DELIVERY MODE
01/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/549,509	VEDANTAM ET AL.	
	Examiner	Art Unit	
	Asdjodi M. Reza	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 October 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/16/05 & 10/24/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bares et al. (GB 2 066 839 A).

Regarding claim 1, Bares et al. teach a method of preparing a free flowing (powdered) fragrance-providing composition comprising; the addition of fragrance to a particulate carrier; [Pg.2, L.110-115 & Pg.3, L.80-87], and water soluble salt of an alkaline metal such as sodium silicate; [Pg.3, L.17].

Regarding claim 2, and 9, Bares et al. teach a preparation method wherein the ratio of particulate carrier to water soluble salt 1.5:10; [Pg.3, L.15-25].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3-4, 6-7, and 10- 20, are rejected under 35 U.S.C. 103(a) as being obvious over Bares et al. (GB 2 066 839 A).

Regarding claims 3, 12-13, Bares et al. teach a solid (powder, particulate) fragrance delivery method, as set forth above regarding claim 1, wherein the ratio of water soluble salt to fragrance is 33.3:1; [Pg.3, L.15-25].

Bares et al. teach do not teach the ratio of water soluble salt to fragrance in the range of 1.5-20; [Pg.3, L.15-25]. The experimental modification of this prior art in order to ascertain optimum operating conditions fails to render applicants' claims patentable in the absence of unexpected results. *In re Aller*, 105 USPQ 233. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to optimize the amount of fragrance delivery by increasing the concentration of fragrance during the washing process. The motivation would have been to deodorize the substrates and

textiles with more fragrance present in solution. A prima facie case of obviousness may be rebutted, however, where the results of the optimizing variable, which is known to be result-effective, are unexpectedly good. *In re Boesch and Slaney,* 205 USPQ 215.

Regarding claims 4, 10, and 11, Bares et al. teach a fragrance providing method , as applied to claims 1 and 2, wherein the particulate carrier is fine porous silica; [Pg.2, L.65], and the ratio of particulate carrier to water soluble salt is 0.15; [Pg.3, L.15-25].

Bares et al. teach do not teach the amount of porous silica being 50% of particulate carrier, which is the ratio of 1:1. The experimental modification of this prior art in order to ascertain optimum operating conditions fails to render applicants' claims patentable in the absence of unexpected results. *In re Aller*, 105 USPQ 233. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to optimize the amount of particulate carrier by increasing the concentration of particulate carrier. The motivation would have been to increase the endurance of aroma long after washing and drying the substrates and textiles. A prima facie case of obviousness may be rebutted, however, where the results of the optimizing variable, which is known to be result-effective, are unexpectedly good. *In re Boesch and Slaney,* 205 USPQ 215.

Regarding claims 6, 7, and 18-19, Bares et al. teach a fragrance providing method wherein the ratio of particulate carrier to water soluble is 0.15, and the ratio of water soluble salt to fragrance is 33.3:1; [Pg.3, L.15-25].

Bares et al. teach do not teach the ratio of water soluble salt to fragrance in the range of 5:1- 20:1. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to optimize the amount of fragrance delivery by increasing the concentration of fragrance during the washing process. The motivation would have been to deodorize the substrates and textiles with more fragrance present in solution.

Regarding claims 14-17, Bares et al. teach a fragrance providing method wherein the ratio of particulate carrier to water soluble salt is 0.15 and ratio of water soluble salt to fragrance is 33.3; [Pg.3, L.15-25].

Bares et al. disclose the limitations of instant claims, but do not disclose the detailed, and varying, ratios of particulate carrier to water soluble salt, and water soluble salt to fragrance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to change these ratios for the desired delivery of fragrance during the washing and after washing and drying, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. In *re Stevens*, 101 USPQ 284 (CCPA 1954).

Regarding claim 20, Bares et al. teach a fragrance providing method wherein the composition in different steps of washing textiles such as pre washing, and soaking; [Pg.3, L.113-120].

Claims 5 and 8, are rejected under 35 U.S.C. 103(a) as being obvious over Bares et al. (GB 2 066 839 A).

Regarding claim 5, and 8, Bares et al. teach a fragrance providing method wherein the fragrant is deposited on a composition consisting essentially of particulate carrier and water soluble salt of an alkaline metal; [Pg.2, L.65 & Pg.3, L15-25], which is added during pre-wash, soaking , or washing process.

Bares et al. teach do not teach the at least 60% by weight of water soluble salt and 20% by weight of particulate carrier. The experimental modification of this prior art in order to ascertain optimum operating conditions fails to render applicants' claims patentable in the absence of unexpected results. *In re Aller*, 105 USPQ 233. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to optimize the amount of fragrance delivery during the wash by increasing the amount of water soluble salt. The motivation would have been to deodorize the substrates and textiles with more fragrance present in solution. A prima facie case of obviousness may be rebutted, however, where the results of the optimizing variable, which is known to be result-effective, are unexpectedly good. *In re Boesch and Slaney,* 205 USPQ 215.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Reza Asdjodi whose telephone number is 571-270-3295. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. Reza Asdjodi
01/17/2008

MARK EASHOO, PH.D.
SUPERVISORY PATENT EXAMINER

22/Jan/08